

## REQUIREMENTS FOR LICENSE - EMPLOYMENT AGENCY

Access this form via website at: [www.hawaii.gov/dcca/pvl](http://www.hawaii.gov/dcca/pvl)

**Retain this sheet for future reference.**

Every employment agency is required to hold an employment agency license. Every licensed employment agency is required to have in its employ a currently licensed principal agent. Two licenses must be in force at all times, one for the agency and one for the principal agent. Should two new applications for license be submitted, one for the agency and one for the principal agent, licenses will be issued when requirements for both licenses have been met.

### APPLICATION

Complete the application form, "Application for License - Employment Agency" in dark ink. Please print legibly.

• **Failure to provide all the requested information will delay the processing of your application.**

### ENTITY REGISTRATION: CORPORATION/ PARTNERSHIP/ LLC or LLP

If the application is for a corporation, partnership, LLC, or LLP we will require the following proof to show that the entity is properly registered with the Business Registration Division (BREG), Department of Commerce and Consumer Affairs, State of Hawaii, P. O. Box 40, Honolulu, 96810. (Please write to them for the proper forms, call (808) 586-2727, or visit their website at: [www.businessregistrations.com/home.html](http://www.businessregistrations.com/home.html) to order Certificates of Good Standing, forms, etc.):

If the entity has been registered in this State for LESS THAN (1) YEAR, **ATTACH** a "filed-stamped" copy of the document filed with BREG; or one of the certificates mentioned below.

If the entity has been registered in this State for MORE THAN ONE (1) YEAR, **ATTACH** a current "Certificate of Good Standing" or "Certificate of Qualification" issued not more than one (1) year ago.

### TRADE NAME

If the employment agency will be using a trade name, attach a current "filed-stamped" copy of the "Application for Registration of Trade Name" approved by the Business Registration Division. You may contact them at (808) 586-2727.

### FEES

**Attach** the appropriate fees. Make check payable to: **COMMERCE & CONSUMER AFFAIRS**.

If you expect to be licensed from July 1 of an even-numbered year  
to June 30 of an odd-numbered year, pay .....\$230  
(Application fee - \$50\* + License fee - \$60 + Compliance Resolution  
Fund - \$70 + 1/2 Renewal - \$50)

If you expect to be licensed from July 1 of an odd-numbered year  
to June 30 of an even-numbered year, pay .....\$145\*\*  
(Application fee - \$50\* + License fee - \$60 + Compliance Resolution Fund - \$35)

\*Application fee is not refundable.

\*\*License subject to renewal by June 30 of an even-numbered year.

**Note:** One of the numerous legal requirements that you must meet in order for your new license to issue is the payment of fees as set forth in this application. You may be sent a license certificate before the check you sent us for your required fees clears your bank. If your check is returned to us unpaid, you will have failed to pay the required license fee and your license will not be valid, and you may not do business under that license. Also, a \$15.00 service fee will be charged for checks which are returned by the bank.

If for any reason you are denied the license you are applying for, you may be entitled to a hearing as provided by Title 16, Chapter 201, Hawaii Administrative Rules, and/or Chapter 91, Hawaii Revised Statutes. Your written request for a hearing must be directed to the agency that denied your application, and must be made within 60 days of notification that your application license is denied.

### PRINCIPAL AGENT

Provide information regarding your principal agent on the application form. If your principal agent is also a new applicant, licenses for the agency and principal agent will be issued together when requirements for both licenses have been met.

<b>PRINCIPAL AGENT (Cont.)</b>	If principal agent is currently <u>inactive</u> , <b>attach</b> a letter from your principal agent requesting reactivation, fee of \$140, (\$20 reactivation + \$120 renewal) <b>and</b> a letter of employment from the agency.
<b>SURETY BOND</b>	For an employment agency that <b>collects fees from applicants</b> , have your insurance company complete the attached bond form. <b>Attach</b> completed bond form to your application.  <b>Note:</b> Only commercial employment agencies <b>that collect fees from applicants</b> are required to post the \$5,000 statutory bond. Indicate your agency's status on the application form.
<b>CONTRACT AGREEMENT</b>	<b>Attach two</b> (2) copies of the applicant's contract agreement. Upon approval of the agreement, one copy will be sent back to you. See Hawaii Administrative Rules, Title 16, Chapter 108, Subchapter 9 for content requirements.
<b>SCHEDULE OF PLACEMENT FEES</b>	<b>Attach two</b> (2) copies of the " <i>Schedule of Placement Fees</i> ." Upon approval of the schedule, one copy will be sent back to you. See Hawaii Administrative Rules, Title 16, Chapter 108, Subchapters 9 and 12 for content requirements.
<b>EMPLOYMENT RECORD</b>	<b>Attach</b> on a separate sheet, the business or occupation of the applicant, each officer and director of a corporation, partners, or managers, for the preceding 3 years.
<b>MAILING ADDRESS</b>	Mail all required items to:  <div style="display: flex; justify-content: space-between;"> <div> Commercial Employment Agencies  DCCA, PVL, Licensing Branch  P.O. Box 3469  Honolulu, Hawaii 96801 </div> <div>or</div> <div> Deliver to office location at:   335 Merchant St., Room 301  Honolulu HI 96813  Phone: (808) 586-3000 </div> </div> Incomplete applications will not be accepted.
<b>BRANCH OFFICE</b>	An employment agency is no longer required to have separate licenses for each branch office.

### **GENERAL INFORMATION**

<b>ABANDONMENT OF APPLICATION</b>	Your application shall be considered abandoned and shall be destroyed if you fail to provide evidence of continued efforts to complete the licensing process for two consecutive years; provided that the failure to provide evidence of continued efforts includes but is not limited to: (1) failure to submit the required documents and other information requested by the licensing authority within two consecutive years from the last date the documents and other information were requested, or (2) failure to provide the licensing authority with any written communication during two consecutive years indicating that you are attempting to complete the licensing process, including attempting to complete the examination requirement.
<b>LAWS &amp; RULES PUBLICATION</b>	To obtain a copy of the laws and rules, relating to commercial employment agencies, send a written request to: Commercial Employment Agencies, <i>Commerce and Consumer Affairs</i> , P.O. Box 3469, Honolulu, Hawaii 96801. In addition, Chapter 436B, Hawaii Revised Statutes, the Professional and Vocational Licensing Act should be read in conjunction with the above statutes and rules.  The laws and rules are also posted on our website at: <a href="http://www.hawaii.gov/dcca/pvl">www.hawaii.gov/dcca/pvl</a> . Click on "Employment Agency" in the right column.
<b>MAINTENANCE OF LICENSE</b>	An employment agency is required to have in its employ a currently licensed principal agent. An employment agency <b>that collects fees from applicants</b> is required to have a current bond in force at all times.  You are required to keep the department informed in writing of any address changes, change of officers, or change of principal agent.

**BIENNIAL RENEWAL**

All licenses, regardless of issuance date, **are subject to renewal by June 30 of even-numbered years**. If you have not received a renewal notice 30 days prior to the expiration date printed on your license card, write to us at the address printed above or call (808) 586-3000.

APPLICANTS ARE SUBJECT TO  
REQUIREMENTS IN EFFECT AT  
TIME OF FILING.

# APPLICATION FOR LICENSE - EMPLOYMENT AGENCY

Please read the "Requirements for License – Employment Agency"

Name of Applicant(Sole owner: First-Middle-LAST; or name of corporation, partnership, LLC, or LLP):

Trade Name (if one will be used):

Hawaii Business Address (Include suite no., city, state & zip code):

Mailing Address (ONLY if different from above):

Social Security No. (If sole owner)

Phone No. (days)

General Excise Tax No. (Issued by the State Dept. of Taxation):

INDIVIDUAL  
APPLICANT

Residence Address of Applicant who is applying as a Sole Owner:

Residence Phone No.

FOR OFFICE USE

AGENCY  
STATUS

PRINCIPAL

BUSINESS  
ENTITY

Approved Contract & Schedule sent:

Date Effective

License No.  
EMA -

Indicate the agency's status:  
[ ] Employer – paid fee agency  
[ ] Applicant – paid fee agency  
[ ] Both

Name of Principal Agent

License No. of Principal Agent or Date Agent Passed the exam

Indicate the type of BUSINESS ENTITY:

[ ] Individual (sole owner)  
[ ] Corporation  
[ ] Partnership  
[ ] LLC  
[ ] LLP

The following questions pertain to the applicant and any persons, officers, directors, managers, partners, etc. responsible for the employment agency. Circle or underline answers. Give details and attach pertinent documentation if required:

- Are you a U.S. citizen, a U.S. national, or alien authorized to work in the United States? ..... YES NO
- Has the applicant, any officers of the corporation, partners, or managers ever been associated in any capacity in the operation or business of an employment agency? ..... YES NO
- Has the applicant, any officers of the corporation, partners, or managers ever had any license or permit revoked, suspended, or otherwise subject to disciplinary action? ..... YES NO
- Is any disciplinary action pending or any license being investigated? ..... YES NO
- In the past 20 years has the applicant, any officers of the corporation, partners, or managers been convicted of a crime in which the conviction has not been annulled or expunged? ..... YES NO
- Will the agency's business be conducted in connection with any other business? ..... YES NO

If you responded "yes" to any questions 2 through 5, please provide explanation on a separate sheet and attach pertinent documentation.

IF APPLICATION IS FOR A CORPORATION, PARTNERSHIP, LLC, OR LLP, THE REVERSE SIDE MUST BE

App.....	226.....	\$50
Reg.....	228.....	\$60
CRF.....	223.....	\$35/\$70
½ Ren.....	220.....	\$50
Service Fee.....	BCF.....	\$15

ALL APPLICANTS MUST SIGN THE REVERSE SIDE  
CONTINUED ON BACK

CORPORATION, PARTNERSHIP, LLC or LLP	Names	Residence Addresses (Include Apt. #, City, State & Zip Codes)	Residence Phone Nos.	Social Security Nos.
	President, Partner, or Manager			
	Vice-President, Partner, or Manager			
	Secretary, Partner, or Manager			
	Treasurer, Partner, or Manager			
	Manager or Partner			

#### AFFIDAVIT OF APPLICANT:

I hereby certify that the statements, answers, and representations made in this application and the documents attached are true and correct. I understand that any misrepresentation is grounds for refusal or subsequent revocation of license (*Section 710-1017, Hawaii Revised Statutes*). I further certify that I have read and will abide by the provisions of Hawaii Revised Statutes Chapter 373 and Hawaii Administrative Rules Chapter 16-108.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Your Name

Title \_\_\_\_\_  
(owner, president, partner, manager)

This material can be made available for individuals with special needs. Please call the Licensing Branch Manager at (808) 586-3000, to submit your request.

## EMPLOYMENT AGENCY BOND

Bond No. \_\_\_\_\_

### KNOW ALL MEN BY THESE PRESENTS:

**THAT WE,** \_\_\_\_\_, State of Hawaii, as  
(Name of Applicant)  
Principal, and \_\_\_\_\_, a corporation organized and  
(Name of Surety)  
existing under the laws of the State of Hawaii, as Surety, are held and firmly bound unto the Director of Commerce and Consumer Affairs for the State of Hawaii and the Director's successors in office, as Obligee, in the penal sum of **Five Thousand dollars (\$5,000.00)** good and lawful money of the United States of America, for the payment of which to the said Obligee, well and truly to be made, we do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally by these presents.

### THE CONDITIONS OF THIS OBLIGATION ARE AS FOLLOWS:

That, whereas the above bounden Principal has applied for a license to engage in business as a Commercial Employment Agency in the State of Hawaii, as provided in Chapter 373 of the Hawaii Revised Statutes as amended;

**NOW, THEREFORE,** if the above bounden Principal shall fully and faithfully comply with the provisions of said Chapter 373, Hawaii Revised Statutes, as amended, and shall faithfully and truly refund all fees illegally or incorrectly obtained or collected from an applicant upon order of the Director or the Director's authorized representative then this obligation shall be void, otherwise to remain in full force and effect.

**AND,** the period which this bond is to cover shall be from \_\_\_\_\_, 20\_\_\_\_  
to \_\_\_\_\_, 20\_\_\_\_. If the bond is continuous in nature, the premium  
shall be paid on \_\_\_\_\_ of each respective year.

**AND** the Surety, herein named, may cancel this bond by giving thirty (30) days notice in writing to the Principal and the Obligee and shall thereafter be relieved of any liability of any breach of condition occurring after the effective date of cancellation.

**IN WITNESS WHEREOF,** we, the said Principal and the said Surety have hereunto set our hands this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

*Subscribed and sworn to before me*  
*this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_*

\_\_\_\_\_  
PRINCIPAL

*Notary Public, State of \_\_\_\_\_*  
*My commission expires: \_\_\_\_\_*

BY \_\_\_\_\_

Title \_\_\_\_\_

*Subscribed and sworn to before me*  
*this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_*

\_\_\_\_\_  
SURETY

*Notary Public, State of \_\_\_\_\_*  
*My commission expires: \_\_\_\_\_*

BY \_\_\_\_\_

Title \_\_\_\_\_

1. Complete all sections of form as required.
2. Both applicant and surety must have their signatures notarized.
3. Failure to submit a completed form will delay processing of your license.
4. Attach Power of Attorney, if applicable.

# ***IMPORTANT NOTICE***

## **PRINCIPAL AGENTS (and COMMERCIAL EMPLOYMENT AGENCIES)**

### **New License Requirement**

Effective June 17, 2003 and pursuant to Hawaii Revised Statutes section 436B-10 and federal law, it is the policy of the State of Hawaii ("**State**") Department of Commerce and Consumer Affairs ("**Department**") Principal Agents (of Commercial Employment Agencies) licensing program that, in addition to meeting the education, experience, and examination requirements for licensure, an applicant for a Hawaii commercial employment agency or principal agent's license is required to be either **a United States citizen, a United States national, or an alien authorized to work in the United States.**

**This means that, even if an applicant meets the education, experience, and examination requirements for licensure, that applicant shall not be issued a license if that applicant is not a U.S. citizen, a U.S. national, or an alien authorized to work in the U.S.**

However, the Board will issue the applicant a **conditional approval** that signifies that the applicant has met the education, experience, and examination requirements for licensure; provided that this conditional approval shall **not** be considered a license to engage in the profession and shall **not** authorize the applicant to work in our State. To obtain authorization to work in our State, the applicant shall be required to contact the U.S. Bureau of Citizenship and Immigration Services ("**BCIS**"). In addition, federal law [45 U.S.C. 666 (a)(13)(A)] requires that once an applicant is authorized by the BCIS to work in the U.S., the applicant must supply his/her Social Security Number ("SSN") so that states can use this information for child support enforcement purposes.

Once the applicant submits evidence to the Board that the BCIS has authorized the applicant to work in the U.S. (without conditions or other encumbrances), **provides a SSN** and meets all of the licensing requirements in effect at that time (including, but not limited to, the requirement that the applicant has not been convicted of any crime that is directly related to the profession), the applicant shall be issued a full and unrestricted license.

This conditional approval shall be valid for two (2) years. An applicant must obtain the appropriate BCIS authorization within this two (2) year period in order to have a license issued. If the applicant is unable to meet this deadline, the applicant may be required to reapply for licensure and meet all of the requirements in effect at that time.

# IMPORTANT ANNOUNCEMENT

*for*

## LICENSED COMMERCIAL EMPLOYMENT AGENCIES and PRINCIPAL AGENTS

Changes to Chapter 373, Hawaii Revised Statutes ("HRS"), relating to Commercial Employment Agencies, were approved by the Governor on April 12, 2002. Act 22, SLH 2002, makes amendments to the law which repeal unnecessary regulatory requirements, clarify licensing requirements, and align the program with current administrative practices for regulatory licenses.

The main provisions of Act 22 are:

- **Only commercial employment agencies that collect fees from applicants are required to post the \$5000 statutory bond**  
This change promotes regulatory effectiveness by requiring only those agencies that collect fees from applicants (consumers) to post a bond, since only these agencies may pose a risk for consumers;
- **Licensure of branch offices is repealed**  
The Act reduces regulatory and financial burdens on businesses by repealing licensure of branch offices without compromising consumer protection, since licensure of branch offices offers no enhanced regulatory benefit to consumers, and since amended language clarifying a principal agent's supervision responsibilities over the agency's employees will preserve consumer protection;
- **Annual filing of Placement Fee Schedule is repealed**  
The repeal of this requirement reduces the regulatory burden on the licensee. It is sufficient to make an initial filing followed by updated filings as needed;
- **No business shall be conducted from a home, apartment, hotel room, or other place that may be considered not in the public interest**  
Act 22 codifies this practice currently in the administrative rules and emphasizes its importance. This statutory amendment provides a more direct authority to achieve the desired result;
- **An applicant's resume is an extension of the applicant**  
The Act clarifies that, as such, prohibitions against agencies sending an applicant for employment without a bona fide job order from a prospective employer likewise apply to the applicant's resume. Modern technology, including broadcast faxes and email make this clarification necessary to protect applicant consumers from having a resume sent to employers via broadcast emails or faxes without their knowledge and having to pay subsequent fees to the employment agency for a job the applicant believed was obtained by their own means;



- **Financial integrity, honesty, truthfulness, and fair dealing requirement**  
Act 22 provides more specific legislative authorization by codifying long-standing licensing policies that applicants for licensure possess a reputation for honesty, truthfulness, financial integrity, and fair dealing, and shall not have been convicted of a felony directly related to the operation of a commercial employment agency unless the conviction has been annulled or expunged; and
- **60 days to replace Principal Agent without jeopardizing agency license**  
The Act provides a more flexible timeframe for agencies when changing principal agents. The 60-day window will facilitate uninterrupted service by allowing agencies to remain open for business during the interim transition upon the death or dissociation of its principal agent.

***FOR COMPLETE INFORMATION ON THE CHANGES TO CHAPTER 373, HRS,  
CHECK THE PROGRAM'S WEBSITE:***

[www.hawaii.gov/dcca/pvl/areas\\_employment\\_agency.html](http://www.hawaii.gov/dcca/pvl/areas_employment_agency.html)

or ***CALL THE PROGRAM'S OFFICE AT:*** (808) 586-2696

***FOR THE COMPLETE TEXT OF ACT 22, CHECK THE STATE LEGISLATURE'S  
WEBSITE:***

[www.capitol.hawaii.gov](http://www.capitol.hawaii.gov)

Select "Status and Documents", request the text for "SB2734".

***IN ADDITION,  
TWO NEW ONLINE SERVICES ARE AVAILABLE FROM THE DEPARTMENT:***

[www.ehawaii.gov/org/serv/pvl](http://www.ehawaii.gov/org/serv/pvl) Search for professional and vocational licenses

[www.ehawaii.gov/org/serv/rico](http://www.ehawaii.gov/org/serv/rico) Search for business and licensee complaints history